

## **AMENDMENTS TO THE DRAWINGS**

The attached drawing sheets include changes to Figures 1-4, and replace the original sheets including Figures 1-4.

Attachments: replacement sheets

## **REMARKS**

This paper is being filed in response to the Office Action mailed on September 14, 2009 (the "Office Action").

### **STATUS OF THE CLAIMS**

Claims 19-35 and 37 are pending in the application, of which claims 19, 25 and 32 are in independent form. Claims 1-18 and 36 were previously canceled. Claims 19, 23, 25, 29, and 32 are amended herein.

The Office Action objects to the drawings. The Applicants have amended the drawings accordingly. The amendments to the drawings are provided on a set of replacement sheets attached hereto.

In the Office Action, claims 19 and 23 stand rejected under § 112. Claims 19-35 and 37 stand rejected under § 102 as purportedly being anticipated by U.S. Patent Publication No. 2004/0012631 to Skorski ("Skorski"). In the alternative, the Office Action rejects claims 19-35 and 37 under 35 U.S.C. § 103 as purportedly being unpatentable over U.S. Patent No. 7,496,543 to Bamford et al. ("Bamford").

In light of the amendments and remarks herein, the Applicants submit that the claims are in condition for allowance and respectfully request the same.

### **EXAMINER INTERVIEW**

The Applicants thank Examiner Thuy-Vi Nguyen and her Supervisor Dean Tan Nguyen for the telephone interview on December 10, 2009. In the interview, differences between the prior art of record and the claims were discussed. Examiner Nguyen suggested claim language to overcome the rejections under §§ 102 and 103. The Applicants have included the suggested claim language in the amendments herein.

### **OBJECTIONS TO THE DRAWINGS**

The Office Action objects to the drawings as purportedly needing to be more clear in identifying every element from the disclosure. The Applicants have amended the drawings accordingly. The amended drawings identify the elements depicted therein.

## CLAIM REJECTIONS UNDER 35 U.S.C. § 112

Claims 19 and 23 stand rejected under 35 U.S.C. § 112 as purportedly failing to comply with the written description requirement. In particular, the Office Action purports that there is not adequate support for the claim language relating to, "...read or generated from the same computer-readable storage medium." Office Action Pg. 6. The Applicants have amended claims 19 and 23 to recite "the same database." See claims 19 and 23. The disclosure teaches reading a representation of an object from the same database. For example, Figure 1 depicts two different sets of attributes read from the same object of the same database. See Figure 1; *also see* Application [0027]. Accordingly, the Applicants respectfully submit that the amendments to claims 19 and 23 are supported by the specification as filed per 35 U.S.C. § 112.

## CLAIM REJECTIONS UNDER 35 U.S.C. §§ 102, 103

Claims 19-35 and 37 stand rejected under 35 U.S.C. § 102 as purportedly being anticipated by Skorski. With the amendments and remarks herein, the Applicants respectfully traverse this rejection.

A claim is properly anticipated under 35 U.S.C. § 102 only if "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 at 631 (Fed. Cir. 1987); emphasis added. "The identical invention must be shown in as complete detail as is contained in the . . . claim." MPEP §2131, *citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 at 1236 (Fed. Cir. 1989); emphasis added.

Neither Skorski nor Bamford teach or suggest generating first and second views of the same specific tangible object as recited in the claims. Moreover, neither reference discloses "rules" as recited in the claims.

As clarified by the amendments herein, the claims recite:

"generating a first view of the specific tangible object by,  
accessing a representation of the specific tangible object from [a]  
specified database, the representation including a **plurality of attributes** of  
the specific tangible object;  
selecting... a **first set of attributes using a first rule associated  
with the first venue**...

generating the first view of the specific tangible object comprising the **first set of attributes...**  
generating a second view of the specific tangible object by,  
accessing the same representation of the specific tangible object from the same database...  
selecting... a **second set of attributes** using a second rule associated with the second venue... wherein **at least one attribute in the second set is not included in the first set...** Claim 19; emphasis added; *also see claims 25 and 32.*

The disclosure teaches generating a “venue-specific” view of an object. See Application at Abstract. Each of the views may differ with respect to which attributes are included therein. (The same database comprising the same set of attributes is used to generate both views.) See Para. [0028]; *also see Figures 1-4.* The amendments herein have further clarified these features. In particular, the claims have been amended to recite, “accessing... the representation in the same specified database... [and] selecting from the plurality of attributes using a second rule... a second set of attributes to be included in the second view using a second rule... wherein at least one attribute in the second set is not included in the first set...” Claim 19; emphasis added; *also see claims 25 and 32.*

### ***SKORSKI FAILS TO DISCLOSE GENERATING A FIRST AND A SECOND VIEW OF AN OBJECT FROM THE SAME DATABASE***

In contrast to the claims, Skorski discusses **combining** the contents of two different data sources (a database and a template server):

“The template server is coupled to a database... which stores data and objects regarding the distributor’s products... The template server includes retailer specific information for **each retailer** such as retailer description, custom page header and footer, contact information, tax information, shipping information, etc...” Skorski [0019]-[0020].

Skorski states that the “catalogs” discussed therein are not generated from “the same specified database,” but require the use of the retailer-specific template server: “[t]he retailer **must define the parameters** of the catalog [in the template server].... These criteria are then embodied in filters implemented by the template server...” Skorski [0023]; emphasis added.

In contrast to the claims, which recite a first view and a second view of an object

from the same specified database, Skorski discusses **combining** two different databases to generate a catalog. Therefore, Skorski cannot teach or suggest the features recited in claims 19, 25, and/or 32.

### ***SKORSKI FAILS TO DISCLOSE RULES FOR SELECTING ATTRIBUTES OF AN OBJECT FROM THE SAME DATABASE***

Skorski fails to disclose rules used to select attributes of an object for inclusion in a particular view. See claims 19, 25, and 32. Rather, Skorski discusses merging data from a database with data in a retailer-specific template. See Skorski [0019]. For example, at [0028] Skorski states:

“...The subset of product group identification for Orthopedists is further filtered differently according to specifications set by the specific retailers... Each retailer’s information is then filtered through one of several alternative possible filters, for example, a format for an online catalog for purchases by patients; or a format for purchases by the retailer. Necessarily, in those alternative formats, the pricing for a particular item will vary, as the patient accessing the online medical store for patients will view product information and see a displayed retail price, while the retailer physician’s practice will see the same item at a different price.” Skorski [0028]; emphasis added;

Accordingly, in Skorski, the data used to construct a catalog is a combination of a database and retailer-specific template. See Skorski [0019]. In contrast, and as discussed above, the claims recite rules for selecting **different attributes from the same database**:

“...wherein at **least one attribute in the second set is not included in the first set**...” Claim 19; emphasis added; *also see* claims 25 and 32.

Since Skorski combines the contents of two different data sources, it has no need nor motivation to include rules for selecting attributes from the same database as recited in the claims. Therefore, Skorski cannot teach or suggest this feature.

### ***SKORSKI DOES NOT RENDER THE CLAIMS OBVIOUS***

Skorski cannot be modified to generate a catalog from a single database and/or to include rules for selecting attributes as recited in the claims. Moreover, the differences between Skorski and the claims do not represent a, “mere duplication of parts...” See *In re Harza*, 274 F.2d, 669; *also see* MPEP § 2144.04.

In Skorski, the database stores “data and objects regarding [a] distributor’s products,” whereas the template server, “includes retailer specific information for each retailer.” Skorski [0019]-[0020]. Accordingly, each data store (database and template server) includes different types of information that are maintained by different entities; the distributor is responsible for populating the distributor database, and the retailer, “must define the parameters of the catalog... [in] the template server.” Skorski [0023]. Since different entities are responsible for managing the database and retailer-specific template, it would be impractical at best (and completely insecure at worst), to allow the retailers access to the distributor database and/or the database comprising the retailer-specific templates of other sellers. Therefore, not only does Skorski fail to teach or suggest the features recited in the claims, the differences do not represent a “mere duplication of parts...”

Moreover, it is well-settled law that a reference must be considered in its entirety (i.e., as a whole) including portions that would lead away from the claims. See W.L.Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540 at 1550 (Fed. Cir. 1983); *also see* MPEP § 2141.02(VI). As illustrated above, security and other considerations (the fact that each retailer must modify a respective template) clearly leads away from consolidating the Skorski database and template server.

***BAMFORD FAILS TO DISCLOSE RULES TO GENERATE DIFFERENT VIEWS OF THE SAME SPECIFIC TANGIBLE OBJECT AND/OR GENERATING THE VIEWS USING DATA READ FROM THE SAME COMPUTER-READABLE STORAGE MEDIUM***

Bamford discusses calculating a price of a product in an e-commerce context. (“A pricing engine for electronic commerce allows the owner of an electronic market place to dynamically change the pricing available at the electronic marketplace based on several factors...”) Bamford Abstract. Bamford discusses a “local or remote title/pricing module... used to determine the pricing schedule received by a customer...” Bamford col. 2 lines 60-64. As discussed above, however, computing a price according to retailer- or customer-specific data is not what is claimed. The claims do not recite calculating or changing the value of a particular piece of data (e.g., pricing); rather, the claims recite rules to determine which attributes are to be included in a view of the same object and

stored in the same database. See claims 19, 25, and 32. A module to generate a particular value (e.g., generate a price) cannot disclose this feature.

***THE REFERENCES NEITHER ANTICIPATE THE CLAIMS NOR RENDER THE CLAIMS UNPATENTABLE***

Neither Skorski nor Bamford, alone or in combination, disclose at least, “generating a first and second view of the “same specific tangible object” and/or generating the views using data read from the “same database,” using attributes selected by, “rule[s] associated with the [] venue[s].” See claims 19, 25, and 32. Therefore, the Applicants respectfully traverse the rejections of claims 19-36 and 37.

**GENERAL CONSIDERATIONS**

By the remarks provided herein, the Applicants have addressed all outstanding issues presented in the Office Action. The Applicants note that the remarks presented herein have been made merely to clarify the claimed invention from elements purported by the Office Action to be taught by the cited references. Such remarks should not be construed as acquiescence, on the Applicants’ part, as to the purported teachings or prior art status of the cited references, nor as to the characterization of the cited references advanced in the Office Action. Accordingly, the Applicants reserve the right to challenge the purported teachings and prior art status of the cited references at an appropriate time.

### **CONCLUSION**

For the reasons discussed above, the Applicants submit that the claims are in proper condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner notes any further matters that may be resolved by a telephone interview, the Examiner is encouraged to contact John Thompson by telephone at (801) 578-6994.

Respectfully submitted,

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## APPENDIX